

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: _____ NWK _____
 FILE NUMBER: _____ 200402114 _____

REGULATORY PROJECT MANAGER: _____ Luke M. Cory _____ Date: Aug. 27, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: Aug. 27, 2004
 At the project site N (Y/N) Date: _____

PROJECT LOCATION INFORMATION:

State: Kansas
 County: Sherman
 Center coordinates of site by latitude & longitudinal coordinates: 39-16-45 101-43-32
 Approximate size of site/property (including uplands & in acres): 20 Acres
 Name of waterway or watershed: Playa Lake

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake					X				
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?	X		X		
Is or would be used as habitat by other migratory birds that cross state lines?	X		X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?					X

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary X Or Approved .

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): This is a jurisdictional request received from the Kansas Department of Transportation on August 24, 2004. Based on the information provided, this is a degraded playa lake site, which is transected by state highway K-27, and a county road. It is a closed depression approximately 25 feet deep, with the majority of the area either farmed or planted to native grass in the Conservation Reserve Program. KDOT reported that their delineation of the area found not hydrophytic plants, or evidence of hydric soils. They reported that the playa lake does flood, sometime enough to close Route K-27. The last time this occurred was in 1998. In consulting with Jim